

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-76 remain in the application. Claims 1-38 are subject to examination and claims 39-76 have been withdrawn from examination. Claims 1, 6, 20, and 25 have been amended. Claims 77 and 78 were canceled in a previous amendment.

In item 4 on page 3 of the above-identified Office Action, claims 1 and 20 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states that the language "or the like" is indefinite because it renders the scope of the claims unascertainable.

The objectionable language "or the like" has been deleted from the claims.

Additionally, during the course of reviewing the claims applicant noted that there was insufficient antecedent basis for the limitations "said clock generation unit and said logic unit" in for example claims 7-8 and 26-27. Therefore,

applicant has amended claims 6 and 25 to provide sufficient antecedent basis for these limitations.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above noted changes to the claims are provided solely for clarification or cosmetic reasons.

In item 6 on page 3 of the above-identified Office Action, claims 1-7, 10-11, 13-26, 29-30, 32-38, 77, and 78 have been rejected as being anticipated by Moore et al. (U.S. 6,598,148) (hereinafter "Moore") in view of Freitag et al. (U.S. 6,237,054) (hereinafter "Freitag") under 35 U.S.C. § 103(a).

In item 23 on page 9 of the above-identified Office Action, claims 8, 9, 12, 27, 28, and 31 have been rejected as being unpatentable over Moore in view of Freitag et al. (U.S. 6,237,054) (hereinafter "Freitag"), and further in view of Takahashi et al. (U.S. 5,825,878) (hereinafter "Takahashi") under 35 U.S.C. § 103(a).

Applicant respectfully notes that the Freitag U.S. Patent No. 6,237,054 has an effective date as a reference of **Sept. 14, 1998**. See 35 U.S.C. § 102(e). As set forth in the Declaration Under 37 C.F.R. § 1.131 (enclosed herewith), the

invention of the instant application was "reduced to practice" prior to Freitag's effective date as a reference. The enclosed corroborating evidence (in both English and German) substantiates that the inventor invented and "reduced to practice" the claimed invention of the instant application prior to Freitag's effective date as a reference. See MPEP § 2141.01. In fact, the enclosed Invention Disclosure that is attached to the inventor's January 22, 1998 letter to Siemens AG (herein referred to as "Invention Disclosure") was completed prior to September 14, 1998 in Germany, a WTO country. Freitag's patent publication date of May 22, 2001 is subsequent to applicant's U.S. filing date of March 23, 2001 of the instant application. Because Freitag is not a statutory bar and its effective date as a reference is after the date that the present invention was "reduced to practice," as evidenced by the Rule 131 Declaration enclosed herewith, applicant believes that Freitag is unavailable as prior art.

Accordingly, applicant submits that a date of prior invention has been established and Freitag is unavailable as prior art.

Therefore, applicant submits that the Section 103 rejections on pages 3-10 of the above-identified Office Action are now moot and requests that the Examiner withdraw the rejection of claims 1-38.

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Because the claims rejection is deemed moot, discussion of the primary reference of Moore and the other secondary reference of Takahashi is not deemed necessary at this time.

It is accordingly believed to be clear that none of the references available as prior art, whether taken alone or in any combination, either show or suggest the features of claim 1 or 20. Claims 1 and 20 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1 or 20.

In view of the foregoing, reconsideration and allowance of claims 1-38 are solicited.

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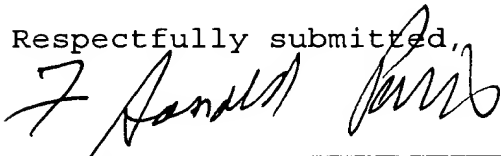
In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees that might be due with respect to  
Sections 1.16 and 1.17 to the Deposit Account of Lerner and  
Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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FDP/bb

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